

Message Text

UNCLASSIFIED

PAGE 01 NEW DE 02552 01 OF 02 241508Z

43

ACTION NEA-09

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-02 INR-07 L-02

NSAE-00 NSC-05 PA-02 PRS-01 SP-02 SS-15 USIA-15 SAM-01

SAB-01 IO-10 AID-05 PC-05 (ISO) W

----- 023784

R 241230Z FEB 75

FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC 7082

INFO AMEMBASSY ISLAMABAD

AMCONSUL KARACHI

AMCONSUL LAHORE

UNCLAS SECTION 1 OF 2 NEW DELHI 2552

E.O. 11652: N/A

TAGS: PFOR IN PK

SUBJECT: AGREED CONCLUSION AND EXCHANGE OF LETTERS ON
KASHMIR LAID ON THE TABLE OF PARLIAMENT FEBRUARY 25

1. QUOTED IN FULL BELOW ARE (A) THE AGREED CONCLUSION
REACHED BY G. PARTHASARATHI AND M. MOHAMMAD AFZAL BEG
FOR SHEIKH ABDULLAH ON NOVEMBER 13, 1974, (B) THE EXCHANGE
OF LETTERS BETWEEN SHEIKH ABDULLAH AND PRIME MINISTER GANDHI
DATED FEBRUARY 11 AND 12, 1975. BOTH SETS OF DOCUMENTS WERE
LAID ON THE TABLE OF THE LOK SABHA BY PRIME MINISTER GANDHI
ON FEBRUARY 24.

(A) AGREED CONCLUSIONS

1. THE STATE OF JAMMU AND KASHMIR, WHICH IS A
CONSTITUENT UNIT OF THE UNION OF INDIA, SHALL
IN ITS RELATIONS WITH THE UNION, CONTINUE TO
BE GOVERNED BY ARTICLE 370 OF THE
CONSTITUTION OF INDIA.

2. THE RESIDUARY POWERS OF LEGISLATION SHALL
REMAIN WITH THE STATE; HOWEVER, PARLIAMENT
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 NEW DE 02552 01 OF 02 241508Z

WILL CONTINUE TO HAVE POWER TO MAKE LAWS

RELATING TO THE PREVENTION OF ACTIVITIES
DIRECTED TOWARDS DISCLAIMING, QUESTIONING
OR DISRUPTING THE SOVEREIGNTY AND TERRITORIAL
INTEGRITY OF INDIA OR BRINGING ABOUT CESSION
OF A PART OF THE TERRITORY OF INDIA OR
SECESSION OF A PART OF THE TERRITORY OF INDIA
FROM THE UNION OR CAUSING INSULT TO THE INDIAN
NATIONAL FLAG, THE INDIAN NATIONAL ANTHEM AND
THE CONSTITUTION.

3. WHERE ANY PROVISION OF THE CONSTITUTION OF
INDIA HAD BEEN APPLIED TO THE STATE OF JAMMU
AND KASHMIR WITH ADAPTATIONS AND MODIFICATIONS,
SUCH ADAPTATIONS AND MODIFICATIONS CAN BE
ALTERED OR REPEALED BY AN ORDER OF THE
PRESIDENT UNDER ARTICLE 370, EACH INDIVIDUAL
PROPOSAL IN THIS BEHALF BEING CONSIDERED ON
ITS MERITS; BUT PROVISIONS OF THE CONSTITUTION
OF INDIA ALREADY APPLIED TO THE STATE OF JAMMU
AND KASHMIR WITHOUT ADAPTATION OR MODIFICATION
ARE UNALTERABLE.

4. WITH A VIEW TO ASSURING FREEDOM TO THE STATE
OF JAMMU AND KASHMIR TO HAVE ITS OWN LEGISLATION
ON MATTERS LIKE WELFARE MEASURES, CULTURAL
MATTERS, SOCIAL SECURITY, PERSONAL LAW, AND
PROCEDURAL LAWS, IN A MANNER SUITED TO THE
SPECIAL CONDITIONS IN THE STATE, IT IS AGREED
THAT THE STATE GOVERNMENT CAN REVIEW THE LAWS
MADE BY PARLIAMENT OR EXTENDED TO THE STATE
AFTER 1953 ON ANY MATTER RELATABLE TO THE
CONCURRENT LIST AND MAY DECIDE WHICH OF THEM,
IN ITS OPINION, NEEDS AMENDMENT OR REPEAL.
THEREAFTER, APPROPRIATE STEPS MAY BE TAKEN
UNDER ARTICLE 254 OF THE CONSTITUTION OF INDIA.
THE GRANT OF PRESIDENT'S ASSENT TO SUCH LEGIS-
LATION WOULD BE SYMPATHETICALLY CONSIDERED.
THE SAME APPROACH WOULD BE ADOPTED IN REGARD TO
THE LAWS TO BE MADE BY PARLIAMENT IN FUTURE
UNCLASSIFIED

UNCLASSIFIED

PAGE 03 NEW DE 02552 01 OF 02 241508Z

UNDER THE PROVISIO TO CLAUSE 2 OF THAT ARTICLE;
THE STATE GOVERNMENT SHALL BE CONSULTED REGARDING
THE APPLICATION OF ANY SUCH LAW TO THE STATE AND
THE VIEWS OF THE STATE GOVERNMENT SHALL RECEIVE
THE FULLEST CONSIDERATION.

5. AS AN ARRANGEMENT RECIPROCAL TO WHAT HAS BEEN
PROVIDED UNDER ARTICLE 368, A SUITABLE MODIFI-

CATION OF THAT ARTICLE AS APPLIED TO THE STATE SHOULD BE MADE BY PRESIDENTIAL ORDER TO THE EFFECT THAT NO LAW MADE BY THE LEGISLATURE OF THE STATE OF JAMMU AND KASHMIR, SEEKING TO MAKE ANY CHANGE IN OR IN THE EFFECT OF ANY PROVISION OF THE CONSTITUTION OF THE STATE OF JAMMU AND KASHMIR RELATING TO ANY OF THE UNDERMENTIONED MATTERS SHALL TAKE EFFECT UNLESS THE BILL, HAVING BEEN RESERVED FOR THE CONSIDERATION OF THE PRESIDENT RECEIVES HIS ASSENT; THE MATTERS ARE:

UNCLASSIFIED

NNN

UNCLASSIFIED

PAGE 01 NEW DE 02552 02 OF 02 241529Z

43

ACTION NEA-09

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-02 INR-07 L-02

NSAE-00 NSC-05 PA-02 PRS-01 SP-02 SS-15 USIA-15 SAM-01

SAB-01 IO-10 AID-05 PC-05 (ISO) W
----- 023764

R 241230Z FEB 75

FM AMEMBASSY NEW DELHI
TO SECSTATE WASHDC 7083
INFO AMEMBASSY ISLAMABAD
AMCONSUL KARACHI
AMCONSUL LAHORE

UNCLAS SECTION 2 OF 2 NEW DELHI 2552

(A) THE APPOINTMENT, POWERS, FUNCTIONS,
DUTIES, PRIVILEGES AND IMMUNITIES OF
THE GOVERNOR; AND

(B) THE FOLLOWING MATTERS RELATING TO
ELECTIONS, NAMELY, THE SUPERINTENDENCE,
DIRECTION AND CONTROL OF ELECTIONS BY
THE ELECTION COMMISSION OF INDIA,
ELIGIBILITY FOR INCLUSION IN THE
ELECTORAL ROLLS WITHOUT DISCRIMINATION
ADULT SUFFRAGE, AND COMPOSITION OF THE
LEGISLATIVE COUNCIL, BEING MATTERS

SPECIFIED IN SECTIONS 138, 139, 140,
AND 50 OF THE CONSTITUTION OF THE

STATE OF JAMMU AND KASHMIR.

6. NO AGREEMENT WAS POSSIBLE ON THE QUESTION OF
NOMENCLATURE OF THE GOVERNOR AND THE CHIEF
MINISTER AND THE MATTER IS THEREFORE REMITTED
TO THE PRINCIPALS.

MIRZA MAHAMMAD AFZAL BEG G. PARTHASARATHI
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 NEW DE 02552 02 OF 02 241529Z

NEW DELHI,
DATED: NOEMBER 13, 1974.

(B) SHEIKH MOHD. ABDULLAH TO THE PRIME MINISTER

CONFIDENTIAL 3, KOTLA LAPE,
NEW DELHI
DATED 11-2-75

MY DEAR PRIME MINISTER,

I HAVE SEEN THE TEXT OF THE CONCLUSIONS REACHED
BETWEEN SHRI G. PARATHASARATHI AND MIRZA MOHAMMED AFZAL BEG
ON THE VARIOUS CONSTITUTIONAL ISSUES CONCERNING THE CENTRE-
STATE RELATIONSHIP BETWEEN THE STATE OF J AND K AND THE UNION
OF INDIA. I HAVE STUDIED THE DOCUMENT AND HAVE ALSOHAD
DISCUSSIONS WITH YOU. AS YOU ARE AWARE, IT IS MY VIEW THAT
THE CONSTITUTIONAL RELATIONSHIP BETWEEN THE CENTRE AND THE
STATE OF J AND K SHOULD BE WHAT IT WAS IN 1953. NEVERTHELESS,
I AM HAPPY TO SAY THAT THE AGREED CONCLUSIONS PROVIDE A
GOOD BASIS FOR MY COOPERATION AT THE POLITICAL LEVEL AND FOR
CENTRE-STATE RELATIONSHIP.

I APPRECIATE THAT THE MAIN PURPOSE OF THE DIALOGUE WAS
TO REMOVE MIS-APPREHENSIONS ON EITHER SIDE TO ENSURE THAT
THE BOND BETWEEN THE UNION AND THE STATE IS FURTHER
STRENGTHENED AND TO AFFORD TO THE PEOPLE OF THE STATE FULL
SCOPE FOR UNDERTAKING SOCIAL WELFARE AND DEVELOPMENTAL
MEASURES.

THE ACCESSION OF THE STATE OF J AND K TO INDIA IS NOT A
MATTER IN ISSUE. IT HAS BEEN MY FIRM BELIEF THAT THE FUTURE
OF J AND K LIES WITH INDIA BECAUSE OF THE COMMON IDEALS THAT
WE SHARE. I HOPE YOU WOULD APPRECIATE THAT THE SOLE REASON
FOR MY AGREEING TO COOPERATE AT THE POLITICAL AND
GOVERNMENTAL LEVELS IS TO ENABLE THE STATE GOVERNMENT TO
INITIATE MEASURES FOR THE WELL-BEING OF THE PEOPLE OF THE
STATE WHICH I HAVE ALWAYS CONSIDERED AS MY SACRED TRUST.

IT WILL BE MY CONSTANT ENDEAVOUR TO ENSURE THAT THE STATE OF J AND K CONTINUES TO MAKE ITS CONTRIBUTION TO THE SOVEREIGNTY, INTEGRITY AND PROGRESS OF THE NATION. BY THE SAME TOKEN, I AM SURE THAT THE CENTRAL GOVERNMENT WOULD COOPERATE WITH UNCLASSIFIED

UNCLASSIFIED

PAGE 03 NEW DE 02552 02 OF 02 241529Z

THE STATE GOVERNMENT FULLY IN RESPECT OF MEASURES TO BE UNDERTAKEN BY THE STATE GOVERNMENT TO FURTHER THE PROGRESS AND WELFARE OF THE PEOPLE OF THE STATE AS AN INTEGRAL PART OF INDIA.

THE COUNTRY IS PASSING THROUGH A CRITICAL PERIOD AND IT IS ALL THE MORE NECESSARY FOR ALL OF US WHO CHERISH THE IDEALS OF DEMOCRACY, SECULARISM AND SOCIALISM, TO STRENGTHEN YOUR HANDS AS THE LEADER OF THE NATION AND IT IS IN THIS SPIRIT THAT I AM OFFERING MY WHOLE-HEARTED COOPERATION.

YOURS SINCERELY,

SD/- (SM ABDULLAH)SHRIMATI INDIRA GAN

DHI,
PRIME MINISTER OF INDIA,
NEW DELHI.

(C) PRIME MINISTER'S LETTER TO SHEIKH MOHD ABDULLAH.CONFIDENTIAL
NEW DELHI, FEBRUARY 12, 1975

DEAR SHEIKH SAHEB,

I AM HAPPY TO RECEIVE YOUR LETTER EXPRESSING YOUR CONCURRENCE WITH THE CONCLUSIONS REACHED BETWEEN MIRZA MOHAMMED AFZAL BEG AND SHRI G. PARTHASARATHI, ON CERTAIN CONSTITUTIONAL ASPECTS OF THE RELATIONSHIP OF THE CENTRE WITH THE STATE OF JAMMU AND KASHMIR AND OFFERING YOUR WHOL-HEARTED COOPERATION AT THE POLITICAL AND GOVERNMENTAL LEVEL TO FURTHER PROMOTE THE WELL-BEING OF THE PEOPLE OF THE STATE OF J AND K. I AM AWARE OF YOUR VIEWS ON THE CENTRE-STATE RELATIONSHIP IN RESPECT OF THE STATE OF J AND K. I HAVE ALREADY EXPLAINED TO YOU THAT THE CLOCK CANNOT BE PUT BACK AND WE HAVE TO TAKE NOTE OF THE REALITIES OF THE SITUATION. I AM APPRECIATIVE OF THE SPIRIT IN WHICH YOU HAVE EXPRESSED YOUR AGREEMENT WITH THE TERMS OF THE AGREED CONCLUSIONS.

THE AGREED CONCLUSIONS HAVE BEEN EXAMINED AND I AM IN A POSITION TO INFORM YOU THAT SUCH APPROPRIATE EXECUTIVE ACTION AS MAY BE NECESSARY TO GIVE EFFECT TO THEM WILL BE TAKEN. I HAVE BEEN IN CLOSE TOUCH WITH THE CHIEF MINISTER OF THE STATE WHO IS IN AGREEMENT WITH THE APPROACH IN REGARD

TO POLITICAL COOPERATION WITH YOU AND THE UNDERSTANDING REACHED ABOUT THE RELATIONSHIP OF THE STATE WITH THE UNION.

THE CENTRAL GOVERNMENT WOULD UNDOUBTEDLY CONTINUE TO UNCLASSIFIED

UNCLASSIFIED

PAGE 04 NEW DE 02552 02 OF 02 241529Z

COOPERATE WITH THE STATE GOVERNMENT FULLY IN RESPECT OF
MEASURES TO BE UNDERTAKEN BY THE STATE GOVERNMENT FO FURTHER
THE PROGRESS AND WELFARE OF THE PEOPLE OF THAT STATE, WHICH
IS OF EQUAL CONCERN TO THE CENTRAL GOVERNMENT.

AS POINTED OUT BY YOU, THE COUNTRY IS PASSING THROUGH
A CRITICAL PERIOD AND IT IS A MATTER OF GREAT SATISFACTION
TO ME THAT A PERSON OF YOUR STATURE WHO MADE AN OUTSTANDING
CONTRIBUTION DURING THE FREEDOM STRUGGLE SHOULD COME FORWARD
AGAIN TO COOPERATE IN THE TASK OF STRENGTHENING THE NATION
AND SUSTAINING ITS IDEALS. YOURS SINCERELY,

SD/- (INDIRA GANDHI)SHEIKH MOHD. ABDULLAH,
3, KOTLA LANE,
NEW DELHI.SCHNEIDER

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CONSTITUTION, AGREEMENTS, KASHMIR, POLITICAL LEADERS
Control Number: n/a
Copy: SINGLE
Draft Date: 24 FEB 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975NEWDE02552
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750064-0969
From: NEW DELHI
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750219/aaaaaqli.tel
Line Count: 294
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION NEA
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 6
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: ElyME
Review Comment: n/a
Review Content Flags:
Review Date: 14 MAY 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <14 MAY 2003 by RuthemTJ>; APPROVED <14 JAN 2004 by ElyME>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: AGREED CONCLUSION AND EXCHANGE OF LETTERS ON KASHMIR LAID ON THE TABLE OF PARLIAMENT FEBRUARY 25
TAGS: PFOR, IN, PK, (GANDHI, INDIRA), (ABDULLAH, SHEIKH)
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006